

Appl. No. 10/780,437
Response Dated February 21, 2006
Reply to Office Action of October 18, 2005

Amendments to the Drawings:

Attached are five (5) sheets of drawings which replace the nine (9) originally filed sheets of drawings.

REMARKS

STATUS OF THE CLAIMS

Claims 1-36 are currently pending in this Application. Claims 21 and 28 are amended. In addition, replacement drawings have been submitted. Applicants believe that these changes do not add new matter. Reconsideration of this application is respectfully requested.

CORRECTED DRAWINGS

New Corrected Drawings in compliance with 37 CFR 1.121(d) are submitted herewith.

OBJECTIONS TO THE CLAIMS

Claim 21 is objected to for a minor informality. Applicants assert that the above amendment removes this informality. Accordingly, withdrawal of this objection is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claim 28 is rejected under 35 U.S.C. § 112, second paragraph for allegedly having insufficient antecedent basis. As amended, “said receiver” has been replaced with “said detector”. Applicant asserts that amended claim 28 now provides sufficient antecedent basis. Thus, removal of this rejection is respectfully requested. Applicants further submit that the above amendments are made to overcome a § 112 rejection and

are not made to overcome the cited references. Accordingly, these amendments should not be construed in a limiting manner.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claims 19 and 29-31 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,065,137 to Herman (“Herman”). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claims 19 and 29 recite features involving overlapping resonance circuits. For instance, claim 19 recites “a pair of overlapping resonance circuits.” Also, claim 29 recites “a second resonant circuit overlapping said first resonance circuit.” In applying Herman to these claims, it is unclear which portion of Herman the Examiner relies to allegedly disclose such features. However, on page 4 of the Office Action (in discussing a rejection under 35 U.S.C. § 103), the Examiners alleges that Herman at column 3, lines 40-59 discloses a similar feature. However, this portion of Herman is silent with respect to overlapping features. Instead, this passage merely involves the diameters of a rod and two coils. Thus, Applicants assert that such features are neither taught or suggested by Herman.

Moreover, Herman teaches away from overlapping circuits. For instance, at column 3, line 67 through column 4, line 1, Herman states that “the coils should be at least 0.375 inch [sic] apart to prevent such interactive coupling as would make tuning of both resonant circuits 10, 14 difficult.”

Therefore, for at least the above reasons, Applicants respectfully submit that rejection under 35 U.S.C. § 102(b) is improper because Herman fails to teach every element of the claim. *See* MPEP § 2131.

Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 30 and 31, which depend from claim 29 and, therefore, contain additional features that further distinguish these claims from Herman.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1-9, 10-18, 20-28, and 32-36 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Herman in view of U.S. Patent No. 6,894,614 to Eckstein et al. (“Eckstein”). These rejected claims include independent claims 1, 10, and 34. Applicants request that this rejection be withdrawn for at least the following reasons.

Independent claim 1 recites first and second planarized coils. In addition, claim 1 states “a portion of said second planarized coil to overlap a portion of said first planarized coil.” As discussed above, the Examiner asserts that this feature is disclosed by Herman at column 3, lines 40-59. Applicants assert that this feature is neither disclosed nor suggested by Herman for at least the reasons provided above. Also, as set forth above, Herman teaches away from such overlapping features. Moreover, Eckstein provides no suggestion for such overlapping features.

Therefore Applicants request that the rejection of claim 1 and its dependent claims 2-9 (which are further distinguishable from Herman in view of Eckstein) be withdrawn.

Independent claim 10 recites a second resonant circuit positioned within a first planarized coil. In rejecting this claim, the Examiner alleges on page 6 of the Office Action that

“Herman discloses numerous configurations between the circuits and the coils. Even though Herman does not disclose the second resonant circuit positioned within said first planarized coil, it would have been obvious to design a compact circuit in order to meet specific design criteria, such as small markers (col. 1, lns 66-68).”

Applicants disagree with this assertion. Herman at column 1, lines 66-68 merely discusses compactness in relation to another patent. Moreover, as discussed above, column 3, line 67 through column 4, line 1 of Herman states that “the coils should be at least 0.375 inch [sic] apart to prevent such interactive coupling as would make tuning of both resonant circuits 10, 14 difficult.” Therefore, Herman warns about close proximities between coils. Thus, Herman teaches away from a second resonant circuit being positioned within a first coil. Moreover, Applicants assert that Eckstein fails to overcome the deficiencies of Herman.

Therefore, Applicants request that the rejection of claim 10 and its dependent claims 11-18 (which are further distinguishable from Herman in view of Eckstein) be withdrawn.

Claims 20-28 depend from independent claim 19. As discussed above, claim 19 recites features involving overlapping circuits, which are neither taught nor suggested by Herman in view of Eckstein. Accordingly, Applicants request that the rejection of these claims be withdrawn.

Claims 32-36 depend from independent claim 29. As discussed above, claim 29 recites features involving overlapping circuits, which are neither taught nor suggested by Herman in view of Eckstein. Accordingly, Applicants request that the rejection of these claims be withdrawn.

CONCLUSION

For at least the above reasons, Applicants submit that claims recite novel features not shown by the cited references. Further, Applicants submit that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicants submit that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the claims. Accordingly, Applicants hereby reserve the right to make additional arguments regarding distinctions between the claims and the cited references, taken alone or in combination. Such arguments may be based on additional features contained in dependent claims. A detailed discussion of these distinctions is believed to be unnecessary at this time in view of the basic differences in the independent claims.

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It is believed that the pending claims are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at (410) 653-2710 to discuss any matter concerning this application.

Respectfully submitted,

KACVINSKY LLC

s/John A. Harroun/s
John A. Harroun, Reg. No. 46,339
Under 37 CFR 1.34(a)

Dated: February 21, 2006

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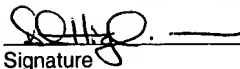
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February 21, 2006

Date of Deposit

Deborah L. Higham

Name of Person Mailing Correspondence



Signature

2/21/06

Date

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Appendix including amended drawing figures.